APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/080,461	05/19/1998	HAJIME ASAMA	P619-93US0	9429

7590   12/19/2002

JACOBSON PRICE HOLMAN & STERN
400 SEVENTH STREET N W
WASHINGTON, DC 20004

EXAMINER
JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No. ⚫	**Applicant(s)**
Office Action Summary	09/080,461	ASAMA ET AL.
	Examiner	**Art Unit**	
	Thomas J Joseph	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 October 2002</u> .

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5,12-15 and 17-26</u> is/are pending in the application.

    4a) Of the above claim(s) <u>12-15 and 17-19</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5 and 20-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1 – 3, 5, and 21, 23 – 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wilkinson (US 6,308,317) and *Windows NT 4 Workstation* by

Jacquelyn Gavron and Joseph Moran.

Claim 1: Wilkinson discloses the use of Microsoft window technology including

Windows NT (col. 7, lines 53 – 56). Windows NT is a user-adaptive variable-

environment system. Wilkinson discloses a computer provided with an operating

environment and a user-recognizing unit (col. 7, lines50 – 55). The smart card reader

and terminal taught by the applicant is a user-recognizing unit. The Windows NT is an

operating environment. The smart card taught by Wilkinson is the "information storage

medium to be applied to the user recognizing unit" suggested by the Applicant. This

"smart card" is a "portable" storage medium. Wilkinson describes memory containing

and data processing devices on a smart card (col. 7, lines 55 – 65). The user

recognizing unit reads the user environment stored in the smart card storage medium

and changes the operating environment of the computer appropriately. All data

downloaded from an external storage media changes the environment of the computer

to some degree. The information storage medium, the smart card, is automatically and

directly readable by the user-recognizing unit while being inserted in such a unit. This is standard in the art of smart card reading. Further, the use of a smart card suggests an information medium that is automatically and directly readable by the user-recognizing unit while being inserted into the user-recognizing unit. However, Wilkinson at least suggests such an insertion because smart cards are typically inserted into a user-recognizing unit. Wilkinson teaches the storing of JAVA data on a smart card medium (col. 9, lines 19 – 25). This data assists in the establishing of a user work environment. Such information is user environment information. The claim language does not require that all information associated with the work environment of the user be stored on the smart card or "portable" storage medium.

Wilkinson fails to describe windows as a user-adaptative variable environment system. Windows NT teaches methods for customizing windows to individual needs (pp. 134 – 135). Therefore Windows NT is a user adaptive variable system. Windows NT is a dedicated operating system on a computer readable medium. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the variable adaptative system taught by Windows NT with the user recognizing unit taught by Wilkinson. Doing so enhances the ability of a user to set up a personal environment.

Claim 2: Wilkinson teaches the rationale of claim 2 in rejected claim 1. Further, Wilkinson teaches a method for wireless access to a control (col. 19, lines 20 – 30). The toll paying system suggested by Wilkinson requires the automatic reading of some

type of medium with a user recognizing unit wherein the said medium is near but apart from the said user recognizing unit.

Claims 3: The Applicant teaches an "information storage medium is readable by the user recognizing unit while being in a position apart from the user recognizing unit." Wilkinson teaches the use of an ID card with computer readable information which can be translated as a portable information storage medium (col. 19, lines 20 – 30). The information unit is separate from the user-recognizing unit. The recognizing unit is the processor and associated systems for determining legitimacy of input while the medium can be any removable id or disk. The said ID card is separate from the user-recognizing unit. It would have been obvious to one with ordinary skill in the art at the time of the invention to provide an ID card with computer readable information, which can be translated as a portable information storage medium. Doing so allows for authorize customized access to computer system in time saving manner.

Claims 5: Wilkinson teaches the use of smart cards in claims 1 and 2. Such smart cards are a type of ID card. Such a card requires computer readable medium. This technology is typically used to contain passwords. Such card typically contains extra data and often some type of processor.

Claims 21: Wilkinson teaches using a smart card (col. 7, lines 55 – 65). A smart card functions as a type of information storage medium that is also an ID card.

Claims 23: Wilkinson suggests a smart card technology that contains data that can be used as a password (col. 19, lines 5 – 15). Smart card technology can include a variety of data including data intended to verify security.

Claims 24: Windows NT teaches methods for storing on a storage medium a

dedicated keyboard layout and a dedicated language (pp. 134 – 135). The capability

provided for the user to determine options for the start menu is a method for developing

a key layout. Therefore Windows NT is a user adaptive variable system. Windows NT

is a dedicated operating system on a computer readable medium.

Claims 25 and 26: Wilkinson and Windows NT teaches the rationale of the

claim 25 in rejected claims 1 and 2. Windows NT teaches methods for storing on a

storage medium a dedicated keyboard layout and a dedicated language (pp. 134 –

135). The capability provided for the user to determine options for the start menu is a

method for developing a key layout. Windows NT allows the user to adapt the system

for individual needs. Therefore Windows NT is a user adaptive variable system.

Windows NT is a dedicated operating system on a computer readable medium.

3.   Claims 4, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wilkinson (US 6,308,317) and *Microsoft NT* as applied to claim 1 above, and

further in view of Bertram (US 5,948,064).

Claims 4: Wilkinson and Mic*rosoft NT* does not teach a non-native OS based

environment that translates into an OS, a language in which information is to be

displayed, for controlling usable applications software while interfacing with the layout of

the keyboard. Bertram teaches the use of a non-native OS based environment which

translates into a type of OS, a language in which information is to be displayed, for

controlling usable applications software while interfacing with the layout of the keyboard

(fig. 2). Any software requires an operating system. Bertram makes reference to a

Windows NT system that uses a keyboard as one of its input devices (col. 4, lines 34 -

57). It would have been obvious to one with ordinary skill in the art at the time of the

invention to combine an OS, a language in which information is to be displayed, for

controlling usable applications software while interfacing with the layout of the keyboard

with the customization system disclosed by Wilkinson and *Microsoft NT*. Doing so is the

method for allowing various human users to access an operating system using personal

parameters.

Claims 20 and 22: The Applicant teaches a "user-environment information

stored in said information medium." The software taught by Wilkinson (abstract) and

Windows NT in rejected claim 1 requires a readable medium. Wilkinson fails to teach

software that requires a machine referring to a computer, user information referring to

user identification information identifying the user, and user setting information referring

to user-environment information. Bertram teaches software that requires a machine

referring to a computer, user information referring to user identification information

identifying the user, and user setting information referring to user-environment

information (col. 10, lines 53 - 65). Bertram makes reference to a Windows NT system,

which uses a keyboard as one of its input devices (col. 4, lines 34 - 57). Windows is a

dedicated operating system. This operating system has become widespread and uses

various codes during set up. These codes are written in a given computer language.

The use of a keyboard entails a dedicated keyboard layout. The language of this claim

does not require a virtual keyboard. The keyboard layout taught by the Applicant can

be a physical as well as a virtual keyboard. It would have been obvious to one with

ordinary skill in the art at the time of the invention to combine the teachings on Windows

NT taught by Bertram with the user-adaptive variable-environment system taught by

Wilkinson and Windows NT. Doing so provides a method wherein users can customize

there personal.

Response to Amendment

4.   Applicant's arguments with respect to claims 1 – 5 and 20 – 26 have been

considered. Further, the Examiner reminds the Applicant that non-elected claims 12 –

15 and 17 – 19 without traverse must be canceled before a notice of allowance can be

issued.

The Applicant responds to the 35 USC 103 rejections of claims 1 – 5 and 20 –

26.

The Applicant responds to the rejection of independent claims 1, 2, 25, and 26.

The Applicant asserts that the smart cards taught by Wilkinson do not contain any type

of user environment information. The Examiner responds that Wilkinson does state

smart cards do contain personalized information. Such information affects the user

environment including a mere ID number that affects the personal environment.

Therefore, the said smart card does affect user environment information. Any

information affecting the personal environment including addresses and identification

numbers is user environment information. The claim language does not require that the

said smart card or other portable medium contain all the individual user environment

information.

Further, the Applicant asserts that Wilkinson fails to disclose any element corresponding to the user-environment information that changes the operating environment of the computer to fit the user-environment information. The Examiner responds that any data from any medium affects both the user-environment information and the operating environment. The Examiner asserts that the language of the claim fails to describe the type of changes taking place within the said user-environment and the said operating environment.

The Applicant responds to the rejection of dependent claims 3 – 5 and 20 – 24. However, the applicant provides no additional reasoning supporting the withdrawing of the said rejection.

Due to at least the above reasons, the rejections of claims 1 – 5 and 20 – 26 remains standing.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached Mondays through Fridays from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

tjj
December 10, 2002